

### **REMARKS**

Claims 1-18 are pending in the application, with claims 1-7 and 10-14 being withdrawn. Claims 8 and 18 and amended herein and claims 9 and 15-17 cancelled.

#### **Objections to the specification:**

The Examiner maintains the objections to the specification with the indication that she has been unable to locate the preliminary amendment filed on March 1, 2002. Attached hereto is a copy of the preliminary amendment of March 1, 2005, along with a copy of the stamped postcard evidencing filing. Entry of the preliminary amendment and withdrawal of the objections are therefore respectfully requested.

#### **Rejections under 35 U.S.C. §112, 1<sup>st</sup> paragraph**

The Examiner maintains the rejection of the claims under 35 U.S.C. §112, 1<sup>st</sup> paragraph as not being enabled for the use of antisense oligonucleotides to the mRNA to treat GVHD. The Examiner raises two issues in support of the rejection. The instant claims have been amended to define the Fas antagonist as an anti-Fas ligand antibody or a fragment thereof which binds to Fas ligand, or a Fas extracellular domain or a derivative thereof, which the Examiner has previously indicated are enabled. Withdrawal of the rejection is therefore respectfully requested.

#### **Priority Determination**

The Examiner notes that the “effective” filing date of the application is October 31, 1997, i.e. the international filing date because no English translation of the Japanese priority applications have been provided. Applicant notes that an English translation of the priority applications, does not need to be submitted unless the Applicant is relying on the priority application to antedate a prior art reference.

**Rejections under 35 U.S.C. §112, 2<sup>nd</sup> paragraph**

Claims 8, 15 and 16 have been rejected under 35 U.S.C. §112, 2<sup>nd</sup> paragraph as being unclear in the recitation of “providing activity to interact with.” Claim 8 has been amended to recite, “a Fas antagonist **that interacts** ~~providing activity to interact~~ with the extracellular domain of Fas ligand....” Withdrawal of the rejection is respectfully requested.

**Rejections under 35 U.S.C. §103**

The Examiner maintains the rejection of the claims under 35 U.S.C. §103 as being obvious over Barr et al., combined with Palmer et al., Du et al., Braun et al., or Baker et al. The Examiner further maintains the rejection of the claims as being obvious over Lynch et al. combined with Palmer et al., Du et al., Braun et al., or Baker et al. Applicants believe that the above amendments to the claims sufficiently define the invention such that it is not suggested by or obvious over the reference teachings. Withdrawal of the rejections is therefore respectfully requested.

In view of the above remarks and amendments, Applicants believes the pending application is in condition for allowance.

Respectfully submitted,

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By ma  
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**Attachments:** Preliminary amendment filed on March 1, 2002, with postcard



COPY

Papers Filed herewith on: March 1, 2002  
DOCKET NO.: 1110-0307P ATTY: GWY/MAA  
APPLICANT(S): NAGATA et al.  
APPLN. NO: DIV of 09/2007, 38 FILED: Feb. 28, 2002  
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DOCKET NO. 1110-0307P

- ☐ New Application with Transmittal Letter  
☐ Utility ☐ Design ☐ CIP ☐ PCT ☐ Provisional  
☐ Filing Under 37 CFR 1.53(b) ☐ CONT ☐ DIV  
☐ Filing Under 37 CFR 1.53(d) (CPA)  
☐ Filing Under 37 CFR 1.114(RCE)  
☐ Specification Consisting of: \_\_\_\_\_ pages  
☐ Combined Declaration & Power of Attorney  
☐ Assignment / Cover Letter  
☐ Letter to Official Draftsman  
☐ Drawings \_\_\_\_\_ Sheets ☐ Formal ☐ Informal ☐ Red-ink  
☐ Completion of Filing Requirements, PCT/DO/EO905  
or Formalities Letter and Executed Declaration  
☐ Priority Document(s) / Cover Letter, No. Doc. \_\_\_\_\_  
☒ Amendment: Revised  
☒ Transmittal Ltr ☐ Large Entity ☐ Small Entity  
☐ Response  
☐ Information Disc. Stmt. PTO-1449(s) \_\_\_\_\_ ref(s)  
☐ Notice of Appeal  
☐ Issue Fee Transmittal  
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☐ Letter:  
☐ Other:



Receipt is hereby acknowledged of the 1110-0307P as indicated in connection with the above identified case.  
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